



Office of the Mayor and Council
City of College Park
8400 Baltimore Avenue, Suite 375
College Park, Maryland 20740
Telephone: (240) 487-3501

**NOTICE OF FINAL DECISION
of the
MAYOR AND COUNCIL
of the
CITY OF COLLEGE PARK**

RE: Case No. CPV-2021-09 Name: Brittani and Robert Garner

Address: 9726 51st Place, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

January 25, 2022.

CERTIFICATE OF SERVICE

This is to certify that on January 28, 2022 the attached Resolution was mailed, postage prepaid, to all persons of record.

NOTICE

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

Janeen S. Miller, CMC
City Clerk

Copies to: Advisory Planning Commission
City Attorney
Applicant
Parties of Record

PG Co. DER, Permits & Review Section
M-NCPPC, Development Review Division
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK
ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING
COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2021-09,
9726 51ST PLACE, COLLEGE PARK, MARYLAND, RECOMMENDING
APPROVAL OF VARIANCES FROM SECTION 27-120.01(C) AND SECTION 27-442 (C)
TABLE II OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, TO
CONSTRUCT A DRIVEWAY.**

- WHEREAS,** the City of College Park ("City") has, pursuant to §190-1 *et seq.* of the Code of the City of College Park ("City Code"), and in accordance with Sec. 27-924 of the Prince George's County Zoning Ordinance ("Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot coverage, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS,** the City is authorized by City Code §190-1 *et seq.* to grant an application for a variance where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS,** the Advisory Planning Commission ("APC") is authorized by §190-3 of the City Code to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and similar requirements including variances from Sec. 27-120.01(c) and Sec. 27-442(c) Table II of the Zoning Ordinance, and to make recommendations to the City Council in connection therewith; and
- WHEREAS,** Section 27-120.-1(c) of the Zoning Ordinance provides that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling, except a townhouse or multifamily dwelling, in the area between the front street line and the sides of the dwelling; and
- WHEREAS,** Section 27-442(c), Table II, of the Zoning Ordinance specifies a maximum lot coverage of 30 percent in the R-55 zone; and
- WHEREAS,** on August 20, 2021, Brittani and Robert Garner ("Applicants"), submitted an application for a variance of 82.5 square feet (3 feet x 27.5) to allow parking in front of the house and a variance up to 1.8% or 94.27 square feet from the maximum allowable lot coverage of 30% or 1,584 square feet for a property located at 9726 51st Place, College Park ("Property"); and

WHEREAS, on October 7, 2021, the APC conducted a hearing on the merits of the variance at which the APC heard testimony and accepted evidence including the staff report, exhibits, and the staff presentation with respect to whether the subject application meets the standards for granting a variance set forth in §190-4 of the City Code; and

WHEREAS, based upon the evidence and testimony presented, the APC voted 4-0-0 to recommend the approval of the variance; and

WHEREAS, the Mayor and Council are authorized by §190-6 of the City Code to accept, deny or modify the recommendation of the APC or return the variance application to the Commission to take further testimony or reconsider its recommendation with respect to the variance requests; and

WHEREAS, the Mayor and Council have reviewed the recommendation of the APC as to the application for a variance and in particular have reviewed the APC's findings of fact and conclusions of law; and

WHEREAS, no exceptions have been filed.

NOW THEREFORE, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC with regard to CPV-2021-09 to approve variances to permit a driveway in the front yard.

Section 1 Findings of Fact

- 1.1 The property is located at 9726 51st Place (Lot 34, Block R) in the Hollywood Subdivision, and is within the North College Park Community Association boundaries.
- 1.2 The property and immediate neighborhood are zoned R-55, single-family residential.
- 1.3 The property is a trapezoid with a width that varies from 44.15-feet to 51.79-feet and a length of 110-feet for a total area of 5,280 square feet.
- 1.4 The Applicant proposed a driveway that varies in width as it follows the side property line. The Applicant now agrees to construct a consistent 10-foot-wide driveway, which is a standard width. This change will reduce lot coverage and provide a two-foot-wide green space between the driveway and the walkway to the front door, as well as additional unpaved area between the driveway and the side property line. Overall lot coverage is reduced by 55 square feet or from 1.8% in the original proposal to 0.74% in the modified proposal
- 1.5 The property is improved with an 836.27 square foot one-story house that was built in 1950, a covered patio (32-feet by 14-feet) and a shed (64 square feet) with perimeter fencing.
- 1.6 Due to the location and configuration of the house and the narrowing of the lot from front to back, the property has narrow side yards (7-8 feet and 6-8 feet).
- 1.7 Although this section of street has permit parking, finding available on-street parking is difficult.

- 1.8 Of the 28 properties that front this section of street, 19 have driveways and 10 of these driveways or 52.63% encroach in front of the house.
- 1.9 The driveway encroachment ordinance was not adopted until 2002.
- 1.10 The new Zoning Ordinance, which may be implemented in the next couple of months, does not regulate driveway encroachments in the front yard and increases the maximum lot coverage percentage from 30% to 35%.

Section 2 Conclusions of Law

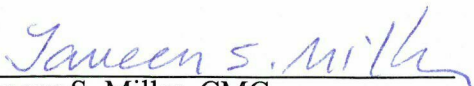
- 2.1 The Property has exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition as follows:
Regarding Driveway Encroachment-The property has an extraordinary condition in that the original 1950 design and placement of the house created narrow side yards that do not accommodate a standard 10'-wide driveway without encroaching into the front yard. The Zoning Ordinance limitation on driveways in the front yard was not adopted until 2002.


Regarding Lot Coverage-The property has an exceptional shape: a trapezoid. This shape limits placement of construction on the property.,
- 2.2 The strict application of the Zoning Ordinance will result in a practical difficulty by not allowing a driveway that more than half of the homes on the street have. The Applicant has agreed to construct a 10 foot wide driveway, which is the minimum necessary for this purpose.
- 2.3 Granting the driveway variance will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan since most of the properties with driveways in the subject block have encroachments in front of the house. After modification, the new proposal increases lot coverage by only 0.74%, therefore lessening impact on the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park, to approve CPV-2021-09 to permit a driveway encroachment in the front yard of 84 square feet (3 feet x 28 feet) and lot coverage variance of 0.74% or 39.27 square feet with the condition that a 2-foot separation between the sidewalk and driveway of grass or other landscaping material be provided.

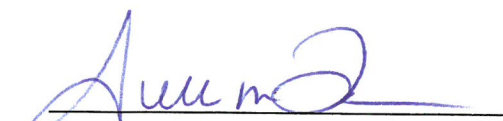
ADOPTED, by the Mayor and Council of the City of College Park at a regular meeting on the 25th day of January, 2022.

CITY OF COLLEGE PARK


Janeen S. Miller, CMC
City Clerk


Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY



Suellen M. Ferguson
City Attorney